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|---------|-----------|
| Hill | Moore |
| Isbell | Shivers |
| Lemens | Stone |
| Martin | Sulak |
| Moffett | Van Zandt |

Nays—14

| | |
|-----------|----------|
| Brownlee | Metcalf |
| Formby | Ramsey |
| Hazlewood | Smith |
| Kelley | Vick |
| Lanning | Weinert |
| Lovelady | Winfield |
| Mauritz | York |

Absent—Excused

Spears

The Senate accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRTY-FIFTH DAY

(Thursday, March 13, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

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|-----------|-----------|
| Aikin | Martin |
| Beck | Mauritz |
| Brownlee | Metcalf |
| Chadick | Moffett |
| Cotten | Moore |
| Fain | Ramsey |
| Formby | Shivers |
| Graves | Smith |
| Hazlewood | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |
| Kelley | Vick |
| Lanning | Weinert |
| Lemens | Winfield |
| Lovelady | York |

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for yesterday and today on account of important business, on motion of Senator Graves.

Senate Resolution 60

Senator Aikin offered the following resolution:

Whereas, We have just learned that Honorable Morris Roberts, a distinguished former member of the Senate, is in the City of Austin and is now in the Capitol Building; and

Whereas, Senator Roberts rendered distinguished service to his district and to the State as a member of this body; and

Whereas, His former colleagues and the present membership are delighted to have him as our guest today; now, therefore, be it

Resolved, That Senator Roberts be invited to address the Senate and be extended the privileges of the floor for today.

MAURITZ,
AIKIN,
MOORE,
WEINERT.

The resolution was read and was adopted.

Accordingly, Hon. Morris Roberts was escorted to the President's desk by Senators Mauritz, Aikin, Moore and Weinert and was presented to the Senate by Senator Aikin.

Senator Roberts then addressed the Senate briefly.

Senator Mauritz then addressed the Senate and commended Senator Roberts for his past services in the Texas Legislature.

Reports of Standing Committees

Senator Brownlee submitted the following report:

Austin, Texas,
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 43, A bill to be entitled "An Act to amend: Section 1, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, as amended, defining 'commercial motor vehicles'; prescribing license fees for the registration of commercial motor

vehicles, road tractors, trailers or semi-trailers, motor busses; prohibiting registration of commercial motor vehicles, sizes of which are illegal, with certain exceptions, repealing all laws in conflict herewith; . . . and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for S. B. No. 43, attached hereto, do pass and be printed.

BROWNLEE, Chairman.

Senator Beck submitted the following report:

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 2, Authorizing the lending of Two Million (\$2,000,000.00) Dollars of the Permanent School Fund for the construction of a State office building or buildings.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

Senator Graves submitted the following reports:

Austin, Texas,
March 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 54, A bill to be entitled "An Act amending Article 5155 of the Revised Civil Statutes of Texas 1925; by adding thereto a provision that employees on each pay day be furnished a statement of all deductions from wages; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed as amended.

GRAVES, Vice Chairman.

Austin, Texas,
March 11, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 51, A bill to be entitled "An Act requiring all railroad companies to equip cabooses with electric lights; providing a penalty; providing that any Section, sentence or clause shall be declared invalid, other Sections or parts of the Act be not affected."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed as amended.

GRAVES, Vice Chairman.

Senator Shivers submitted the following report:

Committee Room,
Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas, and Conservation, to whom was referred

H. B. No. 211, A bill to be entitled "An Act amending Sections 3 and 7 of Article 6008 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet and other natural gas under certain conditions for the manufacture of carbon black; providing a saving clause; repealing all laws in conflict; making the Act cumulative of existing laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment attached hereto and be printed as amended.

SHIVERS, Chairman.

Senator Lemens submitted the following reports:

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. C. R. No. 32, Requesting the Attorney General to institute an in-

vestigation of prices on farm implements and machinery.

Have had the same under consideration and beg to report to the Senate that the same do pass and be not printed.

LEMENS, Chairman.

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 143, A bill to be entitled "An Act amending Article 768 of the Code of Criminal Procedure of the State of Texas of 1925, as amended by S. B. No. 261, Chapter 86, page 129, Acts of the Regular Session of the Forty-second Legislature, 1931, vesting in trial judges discretionary authority to credit defendants in criminal cases with the time spent in jail awaiting trial; and providing and vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail after trial and conviction, in all cases where defendants fail to give bond or enter into recognizance; providing such discretion shall not apply in cases where bond and/or recognizance is not permitted by law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Senator Smith submitted the following reports:

Austin, Texas,
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 649, A bill to be entitled "An Act amending H. B. No. 804, Forty-fifth Legislature, Regular Session, approved May 1, 1937, making it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to possess, keep, or place in storage more than thirty (30) game fish in Harri-

son and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; . . . and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

Austin, Texas,
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 650, A bill to be entitled "An Act making it unlawful for any person to catch, take, or retain in one day, or have in his possession, more than fifteen (15) bass, or more than fifteen (15) crappie or white perch, or more than thirty (30) in the aggregate of both bass and crappie or white perch, thirty (30) game fish and thirty-six (36) goggle-eye and bream totaling sixty-six (66) in Harrison or in Marion County, Texas; defining guides, and making it unlawful for guides to catch, take or retain, or have in their possession, any bass or crappie or white perch in either Harrison or Marion County, Texas; providing penalties for violation thereof; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

Senate Bills and Joint Resolution on First Reading

The following bills and joint resolution were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Sulak:

S. B. No. 291, A bill to be entitled "An Act amending Section 7 of Chapter 482, General Laws of the State of Texas passed by the Forty-fourth Legislature, Third Called Session, as amended by Section 3 of Chapter 67, General Laws of the State of Texas passed by the Forty-fifth Legislature, Regular Session, as amended by Sec-

tion 4 of Chapter 2, General Laws of the State of Texas, passed by the Forty-sixth Legislature Regular Session, S. B. No. 29 of the Forty-seventh Legislature, so as to add a new subsection to be known as sub-section (9) of Section 7."

To Committee on State Affairs.

By Senator Chadick:

S. B. No. 292, A bill to be entitled "An Act to create a Governor James Stephen Hogg Memorial Shrine; providing for the appointment of a commission to administer its affairs; to accept gifts for the purpose of carrying out the provisions of this Act; making an appropriation for the expense of this Act; and declaring an emergency."

To Committee on Public Buildings and Grounds.

By Senator Winfield:

S. B. No. 293, A bill to be entitled "An Act authorizing and directing the Attorney General of Texas to make such investigation and to institute and prosecute such legal proceedings or suits, or take such other action as he deems proper to protect the interest of the State of Texas in and to the waters of the Pecos River; providing for the appointment of a member of the State Board of Water Engineers as Compact Commissioner, upon request of the Attorney General, to negotiate an agreement with representatives of the State of New Mexico and the United States of America concerning the storage, division and use of the waters of the Pecos River in New Mexico and Texas; providing that member of State Board of Water Engineers appointed compact commissioner shall serve without additional salary; prescribing the authority and duties of such compact commissioner; prescribing the method of reaching such agreement and having the same agreed to and ratified by the State Legislature and approved by the Governor, and by the State of New Mexico and the Congress of the United States of America; making an appropriation to carry out the purposes of this Act; providing the Act shall not repeal Chapter 188, Acts of the Regular Session of the Forty-second Legislature, but is cumulative thereof; and declaring an emergency."

To Committee on Finance.

By Senator Graves:

S. B. No. 294, A bill to be entitled "An Act authorizing cities to issue interest-bearing time warrants for the completion of waterworks extensions and improvements where the governing body finds that proceeds from sale of bonds are not sufficient for the purpose and that such extensions and improvements must be completed immediately in order to afford adequate fire protection and to protect the public health; providing that such warrants may be issued without the prerequisite of an election or notice of intention to issue warrants; providing that this Act shall prevail in case of conflict with provisions of city charter; providing that no city shall issue warrants under this law to a greater amount than Thirty Thousand (\$30,000.00) Dollars, that such warrants shall bear not more than four (4%) per cent interest and shall mature in not to exceed five (5) years from their date; providing that no warrants shall be authorized to be issued under this law after ninety (90) days from the effective date hereof; enacting other provisions relating to the subject; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 295, A bill to be entitled "An Act authorizing the commissioners' court in every county of the State of Texas having a population of not less than nineteen thousand ten (19,010), nor more than nineteen thousand seventy (19,070), and not less than twenty-three thousand eight hundred (23,800) nor more than twenty-four thousand (24,000), and not less than fifty-four thousand (54,000), nor more than fifty-four thousand five hundred (54,500), according to the last preceding Federal Census, to pay out of the general funds of such counties the premium on the surety bond required by law to be furnished by county treasurers; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Hazlewood:

S. B. No. 296, A bill to be entitled "An Act creating a special road law

for Briscoe County, Texas; authorizing the commissioners' court to issue funding bonds or warrants in lieu of certain scrip warrants and time warrants, and validating such scrip and time warrants; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the General Laws pertaining to roads and bridges applicable to Briscoe County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions thereof; enacting other provisions relating to the subject; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Stone:

S. B. No. 297, A bill to be entitled "An Act to amend Article 883 of the Revised Civil Statutes of Texas 1925, relating to the limitation or restriction of the liability of railroads and other common carriers as it exists at common law; providing that said railroads shall not limit or restrict their liability as such by any general or special notices or by inserting exceptions in the bill of lading or memorandum given upon the receipt of the goods for transportation, or in any other manner and providing that no special agreement in contravention of this Act shall be valid, providing that a requirement of notice or claim, consistent with the provisions of Article 5546 of the Revised Civil Statutes of Texas, 1925, as a condition precedent to the enforcement of any claim for loss, damage or delay, or either or any of them, whether inserted in a bill of lading or other contract or arrangement for carriage, or otherwise provided, shall be valid and is not hereby prohibited; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 298, A bill to be entitled "An Act creating the 'Texas State Textbook Committee,' providing the qualifications and terms of office for the members of said committee, providing for meetings of said committee,

establishing and creating the duties of said committee, providing for the adoption of multiple lists of textbooks for use in the public schools of the State, providing for the adoption of multiple lists of textbooks for use in the public schools of the State by said committee providing for penalty for violation of terms of Act, committee members, textbook companies, or representatives, providing for the compensation of the members of said committee, repealing all laws or parts of laws in conflict, providing that any partial invalidity of this Act shall not effect other parts hereof; and declaring an emergency."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 299, A bill to be entitled "An Act granting fresh water supply districts heretofore or hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal Census, additional powers relating to sanitary sewer systems, fire fighting facilities and equipment, the paying of rewards in connection with convictions on charges of arson, and providing for the manner of paying for the improvements therein authorized; authorizing such districts to contract with nearby municipal corporations or other political subdivisions for fire protection and prescribing the terms and conditions and method of paying the consideration for said contracts; authorizing such districts to adopt and enforce reasonable rules and regulations relating to plumbing fixtures and facilities within such districts and to prescribe penalties for the breach thereof, and requiring the giving of notice of such rules, regulations and penalties; authorizing such districts to employ their own peace officers and prescribing the duties thereof; authorizing such districts to issue revenue bonds payable from the revenue derived from the operation of the district's improvements and facilities and to issue combination tax and revenue bonds and prescribing the method of levying taxes and pledging revenues to the payment thereof and providing for the manner and method of issuing such revenue bonds and combination tax and revenue bonds; providing for conversion of water control and improvement districts heretofore or here-

after created into fresh water supply districts and prescribing the procedure for such conversion; providing that premiums on surety bonds required of district officials and employees may be paid by the district; requiring contracts for improvements herein authorized to be let on competitive bids; and providing that this Act shall be cumulative of all other existing Laws and if any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Moore:

S. B. No. 300, A bill to be entitled "An Act amending Chapter 25, Acts of the Regular Session of the Thirtieth Legislature of Texas, as amended, by adding a new Section, to be known as Section 3b, authorizing water control and improvement districts heretofore and hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal Census to acquire, purchase, own and operate fire fighting facilities and equipment, to maintain and operate a fire department, to employ a fire marshal and other employees, and to pay rewards in connection with convictions for arson; providing for the manner of paying for the improvements authorized and the operation thereof; authorizing such districts to contract with municipal corporations or other political subdivisions for fire protection, and to pay therefor out of specified funds; requiring contracts for improvements herein authorized to be let on competitive bids; providing that if any provision of this Act or the application thereof to any person or circumstance shall be held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Ramsey:

S. B. No. 301, A bill to be entitled "An Act to regulate 'transportation

agents,' who sell or offer for sale transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, where such transportation is furnished or to be furnished or offered for a consideration paid or to be paid by the person or persons to be transported, and where such transportation is furnished or to be furnished or offered by any person, firm, or corporation, including lessee, trustee and receiver, transporting or offering to transport persons for compensation, without being authorized so to operate as required by law, and not required by law to be so authorized; to require such transportation agents to have a license; defining certain terms, providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; requiring a bond; providing that the Railroad Commission of Texas may make reasonable rules and regulations applicable to all persons holding transportation agent's license; providing for hearings, and for reviews of orders of the Railroad Commission fixing a tax; providing penalties; and declaring an emergency."

To Committee on State Affairs.

By Senator Ramsey:

S. B. No. 302, A bill to be entitled "An Act to amend Article 1703, Title 36, of the Revised Civil Statutes of the State of Texas of 1925, providing for a bond for the county treasurer, the payment of the premium therefor; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senators Ramsey and Fain:

S. B. No. 303, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Jasper, Sabine, San Augustine, Shelby, Houston, Tyler, Angelina, and Walker Counties, made necessary by reason of the fact that the government has purchased in said counties large acreages, reducing the taxable values of such counties; donating and granting to said counties certain State ad valorem taxes; providing duties of the tax assessor and collector in such counties relative to the same; providing for a board of equalization to carry out the provisions of this Act, and to fix valuation on such lands based

upon similar adjoining lands; providing for reports of assessor and collector of taxes in such counties; providing duties of State Comptroller relative thereto; providing that, when Federal Government reimburse said counties, this Act shall become inoperative; providing saving clause; and declaring an emergency."

To Committee on State Affairs.

By Senator Brownlee:

S. B. No. 304, A bill to be entitled "An Act defining the word person and providing that every director, officer, agent, employee or member of any firm, co-partnership, association or corporation, participating in, aiding or authorizing any violation of this Act shall be subject to the punishment provided herein; making it unlawful for any person, with exceptions, to open and refill or re-use the container, can, tank, pump, or other distributing device of any manufacturer, processor or distributor, for the purpose of offering for sale or selling lubricating oils, greases and similar products therefrom when said container, can, tank, pump or distributing device bears the trade mark, symbol, sign or other distinguishing mark of said manufacturer, processor or distributor, or of his products; providing that the possession of any refilled container, can, tank, pump or distributing device shall be prima facie evidence of possession thereof for the purpose of sale; making it unlawful to imitate the design, symbol, or trade name of recognized brands of lubricating oils, greases or similar products or to expose for sale or sell any such products under any trade mark, trade name or other distinguishing mark, other than those of the manufacturer, processor or distributor of such products; providing for the enforcement of the provisions herein; prescribing penalties; and declaring an emergency."

To Committee on Commerce and Manufactures.

By Senator Brownlee:

S. B. No. 305, A bill to be entitled "An Act amending Article 5172, Revised Statutes of 1925, as amended by Acts 1929, Forty-first Legislature, First Called Session, page 217, Chapter 86, Section 1, so as to include therein women engaged in bona fide executive or managerial positions, who earn Thirty-five (\$35.00) Dollars per

week or more, exclusive of bonuses and commissions; and declaring an emergency."

To Committee on Labor.

By Senator Brownlee (by request):

S. B. No. 306, A bill to be entitled "An Act defining Dieto-therapy; prescribing the schooling required of those who practice dieto-therapy or call themselves dieto-paths; providing for enforcement of this Act; and declaring an emergency."

To Committee on Public Health.

By Senator Brownlee (by request):

S. B. No. 307, A bill to be entitled "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-fourth Legislature, Regular Session, Special Laws, page 1196, Chapter 33, Section 1, by adding to said Chapter a new Article to be known as 'Article 6711-b,' providing that upon application of ten (10) or more citizens or freeholders of the County of Burnet or one person living within an enclosure of five hundred (500) acres or more in said county, the commissioners' court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes or bays in the County of Burnet; providing for notice and hearing on said application; providing that the commissioners' court shall not be required to keep such road worked; providing for damages to land owners where roads are opened; providing that this Act shall only apply where there is a space of at least five (5) miles along any navigable river, lake or bay with no present road or public thoroughfare; providing for laying out rights of way of the width of sixty (60) feet running parallel to the out bank of any navigable stream in these aforementioned counties; declaring a public necessity for certain roads provided for herein; defining navigable streams and public lakes; providing that the provisions of this Act shall be applicable to the County of Burnet only; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Brownlee (by request):

S. B. No. 308, A bill to be entitled "An Act providing for the creation of a Special Agency of State, to serve the State Government, in the development of the Texas State Library, the Texas Historical and Educational Center Project, originally sponsored by the Texas Woman's Press Association—the project being a citizen movement to secure a new home for Texas' one-hundred-year-old State library, and to create the Texas Historical and Educational Center through the donation of necessary funds, as a gift to the State—the association at present coordinating necessary forces to achieve a rightful collective leadership representative of the State of Texas and its citizens; providing certain rules and regulations therewith; declaring this agency one of emergency."

To Committee on State Affairs.

By Senators Kelley, Brownlee, Formby, Smith, Hazlewood, Winfield, Moffett and Fain:

S. B. No. 309, A bill to be entitled "An Act to apportion the State into Senatorial Districts; naming the counties composing each district; designating the counties to which election returns shall be sent in each district; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Senatorial Districts.

By Senators Kelley and Spears:

S. B. No. 310, A bill to be entitled "An Act providing for the establishment of a District Tuberculosis Sanatorium; providing for its location, the acquisition by the State of a tract of land therefor not exceeding one thousand (1,000) acres; the approval of title thereto; and authorizing the State to accept donations for said purpose; prescribing the kind, character and capacity of buildings to be erected thereon; the method of preparing plans and specifications; and requiring the architect to give bond to the State for the performance of his duties and fixing his compensation; providing for the State Board of Control to have charge and supervision of said buildings and the appointment of officers and employees thereof; appropriating the sum of Two Hundred Thousand (\$200,000) Dollars

for the purpose of purchasing a site and the erection of improvements and equipment; providing for the manner and method of operation and making appropriations for the operation and maintenance of same; classifying patients and specifying the manner, method and conditions of admission thereto; the treatment of patients and the method of reimbursement for expenses and the recovery of money due it for treatment of patients; providing for the admission of private patients and their treatment; of indigent patients and their treatment; and providing that all patients shall receive equal treatment; providing for the keeping of records and indexes of patients treated; specifying clothing and equipment of patients entering; providing for the promulgation of rules and regulations for the operation of said sanatorium; the term of office of superintendent and other officers; and declaring an emergency."

To Committee on Finance.

By Senator Kelley:

S. B. No. 311, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 252, Acts of the Forty-fifth Legislature, Regular Session, providing for commissions to be paid to county treasurers for various counties in Texas; providing for certain commissions and compensation to be paid to county treasurers in certain counties in Texas; providing for the fixing of such commissions and compensation by the commissioners' courts; providing that this Act shall be cumulative of the General Laws of this State on the subject of county treasurers when not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Kelley:

S. B. No. 312, A bill to be entitled "An Act creating the office of Criminal District Attorney in all counties having a population of not less than one hundred two thousand (102,000)

nor more than one hundred ten thousand (110,000), and in which counties there are one or more judicial districts, and in which the county attorney performs the duties of county attorney and district attorney, and in which there is not now a district attorney; providing that the present county attorney in those counties shall qualify as criminal district attorney, remaining in office for the period such officer would have held his office as county attorney had this Act not been passed; providing that such officer shall take the oath and give the bond required of district attorneys by the Constitution and Laws of this State; provided that such criminal district attorney shall have and exercise all powers, duties, and privileges within such county as are by law conferred, or which may hereafter be conferred upon district and county attorneys, and providing the compensation for such officer; providing for the appointment of assistants, deputies, and clerks; fixing their powers, duties, and compensation; providing for the election of a criminal district attorney in each such county; providing this Act shall be cumulative of all other laws; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Metcalfe (by request):

S. B. No. 313, A bill to be entitled "An Act applicable to the County of Coke, State of Texas, prohibiting the taking or hunting of wild deer, buck, doe, fawn and wild turkey for a period of five (5) years, prohibiting the taking or hunting of bobwhite quail and blue quail for a period of two (2) years; and providing penalties for any violation of this Act; and declaring an emergency."

To Committee on Game and Fish.

By Senator Metcalfe (by request):

S. B. No. 314, A bill to be entitled "An Act applicable to the County of Coke, State of Texas, prohibiting the transportation of minnows taken in said county beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the borders of said county; prohibiting the use of trot-lines or throwlines containing more than twenty-five (25) hooks; limiting the use of such lines to a maximum of two such lines to any person or group of persons; provid-

ing for a closed season on fishing in said county, with certain exceptions; providing legal length of catfish in said county; providing the daily bag limit of catfish; providing penalties for any violation of this Act; and declaring an emergency."

To Committee on Game and Fish.

By Senator Metcalfe (by request):

S. B. No. 315, A bill to be entitled "An Act applicable to the County of Tom Green, State of Texas; requiring a resident hunting license of any resident citizens of this State hunting in said county, with certain exemptions; requiring a resident fishing license of any resident citizen of this State fishing in said county, with certain exemptions; providing for the remittance to the Game, Fish and Oyster Commission of all funds collected under the provisions of this Act and providing for the disposition of the same; further providing that an account of said moneys paid to the Game, Fish and Oyster Commission and the purpose for which such moneys were expended be mailed to the County Judge of Tom Green County; providing suitable penalties for violation of any provision of this Act; repealing all laws, in so far as they conflict with any provision of this Act; providing the rule of construction; and declaring an emergency."

To Committee on Game and Fish.

By Senator Metcalfe:

S. B. No. 316, A bill to be entitled "An Act amending Section 1, S. B. No. 192, Chapter 180, page 449, General Laws of the Thirty-ninth Legislature, Regular Session, 1925, to provide that any person who for four (4) years or more has been the holder of a state first grade certificate or its equivalent and who can furnish evidence of successful experience in teaching in the public schools for four (4) or more sessions subsequent to September 1, 1910, shall be entitled to receive a state permanent first grade certificate; and declaring an emergency."

To Committee on Education.

By Senator Metcalfe:

S. B. No. 317, A bill to be entitled "An Act amending H. B. No. 375 of the Acts of the Regular Session of the Forty-seventh Legislature which

became effective on March 7, 1941, for the purpose of correcting a clerical error made during passage of the bill; and declaring an emergency."

To Committee on Rules.

By Senator Metcalfe:

S. B. No. 318, A bill to be entitled "An Act amending Sections 1, 3, 4, 6, 8 and 13, Chapter 96, page 235, General and Special Laws of the Forty-first Legislature, First Called Session, 1929, (Article 192b, Revised Civil Statutes of Texas) so as to provide that the cooperation of this State with the United States Department of Agriculture in destroying certain predatory animals and rodent pests in the interest of livestock, crops and ranges, be carried on through the Agricultural and Mechanical College of Texas; and declaring an emergency."

To Committee on Finance.

By Senator Cotten:

S. B. No. 319, A bill to be entitled "An Act relating to appeals from rules, orders or decisions of administrative bodies, repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Isbell:

S. B. No. 320, A bill to be entitled "An Act amending Articles 5073 of the Revised Civil Statutes of the State of Texas, relating to usury and defining what shall be included in the legal rate of interest; and declaring an emergency."

To Committee on Banks and Banking.

By Senator Spears (by request):

S. B. No. 321, A bill to be entitled "An Act to establish and create a Domestic Relations Court of Bexar County; providing for the jurisdiction of and procedure in said court; fixing the time for holding the terms of said court; providing for the election, tenure of office, qualifications, duties, powers, and compensation of a judge of said court; providing for a seal and permitting the use of certified copies of orders, proceedings, judgments and other official acts of said court as evidence; abolishing the Juvenile Court of Bexar County,

Texas, when this Act becomes effective; providing that the Sheriff and District Clerk of Bexar County shall be the officers of said court in their respective capacities under the same rules and regulations as are now, or may hereafter be prescribed by law for the governing of such officers, providing for the fees of such officers, fixing terms of court and providing for extension of terms in discretion of presiding judge; providing that the judge of said court shall become a member of the Bexar County Juvenile Board and fixing compensation as such; providing a saving clause; and providing the effective date of this Act."

To Committee on Judicial Districts.

By Senator Spears:

S. B. No. 322, A bill to be entitled "An Act providing for the appointment of juvenile officers and their assistants in counties having a population of more than three hundred thirty thousand (330,000) and less than three hundred fifty thousand (350,000) and containing a city of two hundred fifty thousand (250,000) or more according to the last preceding Federal Census; providing tenure of office and manner of appointment; prescribing their salaries, qualifications, and duties; providing for clerical help; providing an expense account for said juvenile officers and empowering the commissioners' court to provide necessary funds to carry out the provisions of this Act out of the general fund of each county; providing for the selection of all heads and employees of all county institutions; making this Act applicable only to applicants for vacancies in the juvenile department and county institutions for delinquent and dependent children at the time this Act becomes effective or for vacancies that may occur thereafter; providing for the filing of oaths and the removal of persons appointed under the terms of this Act; vesting all juvenile officers with the same power and authority as officers and sheriffs; making the population of the preceding Federal Census applicable; repealing all Acts or portions of Acts directly in conflict; providing a saving clause; and providing effective date of this Act."

To Committee on Judicial Districts.

By Senator Spears:

S. B. No. 323, A bill to be entitled "An Act amending Section 2 of Chapter 148, of the General Laws passed by the Forty-second Legislature in its Regular Session in 1931, as amended by Section 2, of Chapter 15, of the General Laws passed by the Forty-fourth Legislature in its Regular Session in 1935; so as to authorize the issuance of bonds by any city and/or county for the purchase and/or improvement of lands for park purposes; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Cotten:

S. B. No. 324, A bill to be entitled "An Act amending Article 1667 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-second Legislature, 1931, Second Called Session, page 62, Chapter 38, as amended by Acts of the Forty-third Legislature, 1933, page 364, Chapter 140, as amended by Acts of the Forty-sixth Legislature, 1939, page 610, Chapter 13, placing certain counties under the provisions of said Article and providing control over finances in such counties by auditors; providing compensation for such auditors; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Shivers:

S. B. No. 325, A bill to be entitled "An Act amending Section 17a of Chapter 280, Acts of the Regular Session of the Forty-first Legislature, amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature; providing that water control and improvement districts may purchase, own and operate fire engines and all necessary fire-fighting equipment and appliances; validating all purchases of fire engines, equipment and appliances heretofore made by water control and improvement districts; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Shivers:

S. B. No. 326, A bill to be entitled "An Act to amend the subject matter embraced in Section 7, Chapter 482,

General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session, as amended by S. B. No. 29 of the Forty-seventh Legislature, Regular Session, providing for determining the amount of contributions by employers and defining certain terms, and providing for the effective date of this Act and for the repeal of all laws and parts of laws in conflict therewith; and declaring an emergency."

To Committee on State Affairs.

By Senators Shivers and Mauritz:

S. B. No. 327, A bill to be entitled "An Act amending Chapter 13, Acts, Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to building, maintaining and financing State designated roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties and obligations of said board; allocating revenue obtained from the occupation tax on the business of selling gasoline; creating a county and road district highway fund designating the money to be placed in said fund, and prescribing the manner and purposes for which such fund shall be expended; authorizing the payment out of the county and road district highway fund of certain bonds and warrants issued by the counties where the proceeds of such bonds and warrants were used in the construction of roads comprising the State System of Highways; providing for refunding certain county obligations and bonds; providing for the disposition of sinking funds on county bonds issued to build State designated highways; making an appropriation for the next biennium of monies coming into the county and road district highway fund; providing for the handling of county sinking funds accumulated from the payment of certain road bonds and warrants; providing for the payment of certain navigation district bonds; making an appropriation for the administration of this Act; providing that if any Section of this Act is unconstitutional, other

portions of this Act shall not be affected thereby; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 328, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas of 1925 by adding thereto a subdivision authorizing the creation of corporations for the purpose of establishing, owning, operating and managing a beauty parlor, beauty culture school, hairdressing and cosmetological shop, or hairdressing or cosmetological school, or establishment devoted to similar and associated pursuits and occupations, either singly or in conjunction with one or more of said other shops, schools, or establishments, either as one or as several establishments on one or more premises, separately or together, all in accordance with all laws of the State of Texas governing said operation and management; and declaring an emergency."

To Committee on Public Health.

By Senator Brownlee:

S. B. No. 329, A bill to be entitled "An Act providing that the Attorney General of the State of Texas may enter into a contract and/or contracts employing a party to furnish information as to any property, land or money that the State of Texas has lost by fraud, forgery or other illegal act; providing for compensation on per cent basis of actual recovery by State; providing for repeal of all laws and parts of laws in conflict with this Act; providing that if any Section, clause or provisions of this Act be held unconstitutional or invalid, it shall not affect the remaining portions; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lovelady:

S. B. No. 330, A bill to be entitled "An Act to control and prevent the spread of infectious and communicable diseases among livestock and poultry, the regulation and control of baby chicks at auctions, auction sale barns and community sales, requiring permits to conduct such sales, providing certain requirements to prevent the spread of diseases and prescribing

penalties for violation thereof; and declaring an emergency."

To Committee on Stock and Stock Raising.

By Senator Metcalfe:

S. B. No. 331, A bill to be entitled "An Act amending Chapter 465, General and Special Laws of the Forty-fourth Legislature, Second Called Session, as amended by H. B. No. 161, Regular Session, Forty-sixth Legislature, by adding thereto a new section to be numbered '15(m)'; providing that the commissioners' courts in all counties of more than fifteen (15,000) thousand and less than twenty (20,000) thousand population according to the last preceding Federal Census may fix the salaries of the county officers at a sum not less than One Thousand Five Hundred (\$1,500.00) Dollars per annum nor more than Three Thousand (\$3,000.00) Dollars per annum; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Metcalfe:

S. B. No. 332, A bill to be entitled "An Act amending Article 6078, Revised Civil Statutes of Texas, 1925, Chapter 53, page 102, Acts 1915 of the Thirty-fourth Legislature, as amended; so as to authorize each commissioners court to levy a tax for the purchase and improvement of lands for use as county parks; providing for submission of the proposition to and ratification by the tax-paying voters at a general or special election called for that purpose, and requiring a two-thirds majority; providing for establishment of two or more county parks at widely separated portions of the county; authorizing the commissioners court to exercise full power and control over any such parks and empowering said court to levy and collect an annual tax to properly maintain said parks, and to build, construct and otherwise improve said parks; providing that said parks are to remain open for the free use of the public under the reasonable rules and regulations of the court; and providing that all said parks are to be under the control and management of the county acquiring same; providing that the

commissioners court may enter into agreement with the State Parks Board to turn the land over to said Board to be operated as a public park; providing for the payment of expenses of improvement and operation of the park according to agreement; authorizing the Texas State Parks Board to co-operate with any county in the acquisition, establishment, improvement and maintenance of such parks; providing a saving clause; and declaring an emergency."

To Committee on State Affairs.

By Senator Brownlee:

S. B. No. 333, A bill to be entitled "An Act to amend Subsection (2) of the General Provisions of Chapter 8, Volume II, Acts of the Forty-sixth Legislature, Regular Session, being an Act fixing appropriations for educational institutions of higher learning for the biennium beginning September 1, 1939, and ending August 31, 1941, by adding a proviso to paragraph 3 of Subsection (2) of the General Provisions of said Appropriation Act, authorizing the governing boards of state educational institutions to make changes and substitutions and transfers of items or parts of items within the totals appropriated for salaries in said Act; and declaring an emergency."

To Committee on Finance.

By Senator Metcalfe:

S. B. No. 334, A bill to be entitled "An Act amending Chapter 465, General and Special Laws of the Forty-fourth Legislature, Second Called Session, as amended by House Bill No. 161, Regular Session, Forty-sixth Legislature, by adding thereto a new section to be numbered '13(m)'; providing that the commissioners' courts in all counties of more than twenty (20,000) thousand and less than twenty-five (25,000) thousand population according to the last preceding Federal Census may fix the salaries of the county officers at a sum not less than One Thousand Eight Hundred (\$1,800.00) Dollars per annum nor more than Three Thousand Five Hundred (\$3,500.00) Dollars per annum; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Ramsey:

S. B. No. 335, A bill to be entitled "An Act appropriating from the Unemployment Compensation Fund the sum of Two Thousand Six Hundred Sixty-seven and 64/100 (\$2,667.64) Dollars to be paid to the Wiergate Naval Stores, Inc., Wiergate, Texas, as a refund of unemployment compensation taxes erroneously collected by the Texas Unemployment Compensation Commission of and from said Wiergate Naval Stores, Inc., during the years 1936, 1937, 1938, and 1939; and declaring an emergency."

To Committee on Finance.

By Senator Fain:

S. B. No. 336, A bill to be entitled "An Act to provide that the Texas Prison Board shall maintain schools in all of the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory attendance of illiterates, a program of academic and vocational education, and hours of attendance; providing that the State Superintendent of Public Instruction shall supply text books; and declaring an emergency."

To Committee on Penitentiaries.

By Senator Fain:

S. B. No. 337, A bill to be entitled "An Act to amend Chapter 18, Acts 1930, Forty-first Legislature, Fifth Called Session, by adding a new section between Sections 3 and 4 thereof to be designated as Section 3a and authorizing the State Highway Department to enter into reciprocal agreements with other States on registration rights and privileges to be extended to non-residents in the service of the United States Military or Naval forces; providing that this Act shall be cumulative of all laws on this subject, but in all cases of conflict the provisions of this Act shall prevail; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Brownlee:

S. B. No. 338, A bill to be entitled "An Act to amend Article 3927, Revised Civil Statutes 1925; providing the effective date of the Act; repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. J. R. No. 10, Proposing to amend the Constitution of the State of Texas by adding a new Section to be known as Section 30-b of Article 16 of the Constitution providing four-year terms of office for all precinct, county, district and state offices at elections to be held in 1941; amending Section One and Two of Article 4 of the Constitution of the State of Texas; providing method of financing alternate primaries; providing for elections by home rule and incorporated cities and towns to hold elections regarding four-year terms for city officials; providing for elections on two questions of adoption or rejection of said Amendments and making an appropriation therefor.

To Committee on Constitutional Amendments.

Senate Bill 160 Recommitted

Senator Martin moved that S. B. No. 160 be recommitted to the Committee on Public Health.

Yeas and nays were demanded, and the motion to recommit prevailed by the following vote:

Yeas—16

| | |
|-----------|----------|
| Aikin | Mauritz |
| Beck | Metcalf |
| Graves | Moore |
| Hazlewood | Ramsey |
| Kelley | Shivers |
| Lanning | Weinert |
| Lovelady | Winfield |
| Martin | York |

Nays—12

| | |
|---------|-----------|
| Chadick | Moffett |
| Cotten | Smith |
| Fain | Stone |
| Formby | Sulak |
| Isbell | Van Zandt |
| Lemens | Vick |

Absent

| | |
|----------|------|
| Brownlee | Hill |
|----------|------|

Absent—Excused

Spears

House Concurrent Resolution 11

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to permit consideration of H. C. R. No. 11 at this time.

The President laid before the Senate:

H. C. R. No. 11, Relative to leaves of absence for employees of the State Departments who are called into active military training.

The resolution was read and was adopted.

Message from the House

The President recognized a Clerk of the House to present the following message:

Hall of the House of Representatives,
Austin, Texas,
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. C. R. No. 45 by a vote of 109 yeas, 0 noes.

The House has passed the following bills and resolutions:

S. B. No. 38, A bill to be entitled "An Act to provide further safeguards for public educational funds; and declaring an emergency."

With amendments.

H. C. R. No. 65, Providing for a joint session for the purpose of hearing Governor W. Lee O'Daniel on March 13, 1941 at 12:00 o'clock noon.

H. C. R. No. 66, Granting permission to House and Senate to adjourn from Thursday, March 13, 1941 until Monday, March 17, 1941.

H. B. No. 503, A bill to be entitled "An Act regulating the use of duck blinds in the waters of Harrison and Marion Counties, Texas; regulating the use thereof; providing license tax for the use of commercial blinds; and declaring an emergency."

H. B. No. 504, A bill to be entitled "An Act amending H. B. No. 386, Forty-sixth Legislature, providing a closed season for taking game fish on Caddo Lake and all fresh waters of Harrison and Marion Counties; making certain exceptions; providing a suitable penalty for violation of any provision of this Act; repealing all conflicting laws; and declaring an emergency."

H. B. No. 8, A bill to be entitled "An Act levying various taxes and providing certain revenue for the payment of old age assistance, aid to destitute children, aid to needy blind, and the obligations of the State under the Teachers' Retirement Act; amending Section 2 of Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, and levying certain taxes on persons making the first sale in this State of cigarettes and providing for the collection and administration thereof; amending Section 2 of Article 7057a of the Revised Civil Statutes of Texas, 1925, same being Section 2, Chapter 162, Acts of the Forty-third Legislature, Regular Session, 1933, as amended by Acts of the First Called Session of the Forty-third Legislature, 1933, Chapter 12, Section 1, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 4, levying certain occupation taxes on oil produced within this State, defining certain terms in connection therewith, establishing the liability thereof, and providing for the computation, collection, and administration thereof; amending Section 3, Chapter 75, Acts of the Regular Session of the Forty-second Legislature, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8, levying certain taxes on the market value of gas produced and saved within this State, or sold if imported into this State; defining certain terms in connection therewith, establishing the liability thereof, and providing for the computation, collection, and administration thereof; amending Section 40A of Article 7047, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1931, Forty-second Legislature, Regular Session, Page 355, Chapter 212, Section 1, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 493, Article 4, Section 6, levying certain taxes against producers of sulphur within this State, and providing for the computation, collection, and administration thereof; etc.; and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, as amended by Chapter 200 of the Acts of the Forty-fifth Legislature of

Texas, Regular Session, by amending Section 12 and 13b thereof so as to provide for the funding of scrip and warrant indebtedness of the Road and Bridge Fund of Montgomery County, Texas, legally incurred prior to February 1, 1941; and validating, ratifying, legalizing, and confirming an issue of Sixty-six Thousand (\$66,000) Dollars of road and bridge time warrants of said county, dated February 1, 1941, and authorizing the funding thereof into coupon bonds of said county, in accordance with the terms and provisions of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act providing that in counties having a population of fifty-one thousand (51,000) to fifty-one thousand and one hundred (51,100), inclusive, the commissioners' court shall annually set aside from all other county funds the road and bridge fund, which fund shall be budgeted into three (3) equal amounts and providing that the expenditures from said fund for any four-month period of the fiscal year may not exceed one-third ($\frac{1}{3}$) of the total annual budget; provided that nothing in this Act shall be construed as repealing or affecting the Uniform Budget Law, County Budgets, Articles 689a-9, 10, 11 and 12; and declaring an emergency."

H. B. No. 513, A bill to be entitled "An Act creating a special road law for Camp County, Texas; authorizing the commissioners' court to issue funding bonds or warrants in lieu of certain scrip warrants, and validating such scrip; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the General Laws pertaining to roads and bridges applicable to Camp County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

H. C. R. No. 63, In memory of Hon. Raglin Jones.

H. C. R. No. 57, Inviting the Honorable Wendell L. Willkie to address

a joint session of the Texas Legislature.

H. C. R. No. 59, Providing for a monthly allowance in the grants given to old age assistance recipients for the specific purpose of paying for burial insurance policies.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bill 445 on Second Reading

Senator Metcalfe moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 445 at this time.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Beck | Mauritz |
| Brownlee | Metcalfe |
| Chadick | Moffett |
| Cotten | Moore |
| Fain | Ramsey |
| Formby | Shivers |
| Graves | Smith |
| Hazlewood | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |
| Kelley | Vick |
| Lanning | Weinert |
| Lemens | Winfield |
| Lovelady | York |

Absent—Excused

Spears

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 445 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 445, A bill to be entitled "An Act validating all proceedings prior to February 10th, 1941, by the boards of trustees of independent school districts of the State of Texas authorizing the issuance of Bonds of such districts in the amount of not exceeding Twenty-five Thousand (\$25,000.00) Dollars, bearing interest at a rate of not exceeding three and one-half per centum (3½%) per annum, payable annually or semiannually, and maturing serially over a period of not ex-

ceeding twenty (20) years from their date, for the purpose of constructing and equipping public free school stadia within such districts; validating the tax levies made for the payment of such bonds; validating all such bonds authorized prior to February 10th, 1941, and which have been approved by the Attorney General, registered by the Comptroller, and sold prior to the effective date of this Act; enacting provisions incident thereto; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 445 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 445 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Beck | Mauritz |
| Brownlee | Metcalfe |
| Chadick | Moffett |
| Cotten | Moore |
| Fain | Ramsey |
| Formby | Shivers |
| Graves | Smith |
| Hazlewood | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |
| Kelley | Vick |
| Lanning | Weinert |
| Lemens | Winfield |
| Lovelady | York |

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|----------|-----------|
| Aikin | Hazlewood |
| Beck | Hill |
| Brownlee | Isbell |
| Chadick | Kelley |
| Cotten | Lanning |
| Fain | Lemens |
| Formby | Lovelady |
| Graves | Martin |

| | |
|----------|-----------|
| Mauritz | Stone |
| Metcalfe | Sulak |
| Moffett | Van Zandt |
| Moore | Vick |
| Ramsey | Weinert |
| Shivers | Winfield |
| Smith | York |

Absent—Excused

Spears

Senate Resolution 61

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, Hon. Willard W. Glaze, Pres., Hon. Meredith James, Hon. Francis Gilbert, Hon. Wilbur Hebert and Hon. John Payne of the Salesmanship Club of Houston, are within the halls of the Capitol, now, therefore, be it

Resolved by the Senate of Texas, That these gentlemen be extended the privileges of the floor for the day and that such of them as they designate, be invited to address the Senate.

The resolution was read and by unanimous consent, it was considered immediately and adopted.

Accordingly, the President appointed Senators Moore, Chadick, and Hazlewood as a committee to escort the members of the Salesmanship Club of Houston named in the resolution to the President's desk.

The committee performed the duty assigned it, and Senator Moore presented Hon. Willard Glaze, President of the Club, Hon. Meredith James, Hon. Francis Gilbert, Hon. Wilbur Hebert and Hon. John Payne to the Senate.

Hon. Willard Glaze then extended an invitation to the Members of the Senate to attend the Gridiron Dinner of the Salesmanship Club of Houston to be held in the city of Houston on April 19, 1941.

On motion of Senator Hill, the invitation was accepted.

House Concurrent Resolution 65

The President laid before the Senate the following resolution (received from the House today):

H. C. R. No. 65, Providing for a joint session to hear a message by the Governor.

The resolution was read; and by unanimous consent, it was considered immediately, and it was adopted.

Senate Concurrent Resolution 31

Senator Ramsey, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 31, Authorizing firm of Hale & Sessions to sue the State.

Whereas, Rogers Hale and Homer Sessions, composing the partnership firm of Hale and Sessions, building contractors, Arp, Texas, did certain repair work in the nature of stuccoing the Main Building of the Rusk State Hospital; and

Whereas, Certain laborers employed on this job have filed claims with the State Board of Control for a deficiency claimed in wages in connection with their services alleged by them to have been performed for said contractors, and by which they claim they were not paid the wage scale provided in the contract, between the State of Texas and the contractors; and

Whereas, As a result of the claim filed by these laborers with the Board of Control, the said Board of Control is holding as retainage a certain sum of money which said Hale & Sessions claim is rightfully theirs and should be paid to them; and

Whereas, Hale & Sessions wish to enter into litigation to settle this matter with respect to the claim presented by certain laborers as above stated; and

Whereas, It will be necessary to name the State of Texas and the State Board of Control as parties to this suit; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Rogers Hale and Homer Sessions, composing the partnership firm of Hale & Sessions, be, and they are hereby granted permission to make the State of Texas and the State Board of Control parties defendant in a suit to settle the respective claims of Hale and Sessions and certain laborers employed by Hale and Sessions on the stuccoing job at the Rusk State Hospital in respect to the retainage fund held by the State Board of Control; provided that venue of such suit be in Cherokee County, Texas, and that service of citation and/or

any other necessary process may be had upon the State of Texas by service upon the Attorney General, and upon the State Board of Control by service upon any member of that Board.

The resolution was read and was referred to the Committee on State Affairs.

Report of Standing Committee

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas.
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 522, a bill to be entitled "An Act providing that the salary of county commissioners, in counties having a population of not less than seventeen thousand, four hundred and seventy-five (17,475) nor more than seventeen thousand five hundred (17,500), according to the last Federal Census, and having a taxable valuation in excess of Six Million, Eight Hundred Thousand (\$6,800,000) Dollars for the next preceding year, shall be One Thousand, Eight Hundred (\$1,800) Dollars per year, payable out of the Road and Bridge Fund of said County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman

Committee Substitute House Bill 19 on Passage to Third Reading

The President laid before the Senate, as the unfinished business, on its passage to third reading (the bill having been read second time on March 5, 1941):

C.S.H.B. No. 19, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5 of Chapter 282, Acts, Regular Session, Forty-second Legislature; repealing Section 7 of Chapter 282, Acts, Regular Session, Forty-second Legislature, and all laws in conflict

herewith, said Acts relating to the operation of vehicles on the public highways of Texas; providing nothing herein shall be construed as authorizing increase in size or dimensions of commercial motor vehicles as now provided by law; and declaring an emergency."

With amendment by Senator Van Zandt, striking out all after the enacting clause and inserting in lieu thereof the text of a complete bill, and substitute by Senator Lanning for the amendment pending.

Question—Shall the substitute be adopted?

Senator Van Zandt withdrew the amendment from further consideration by the Senate.

The withdrawal of the amendment carried with it the substitute by Senator Lanning.

Senator Lanning then offered the following amendment to the bill:

Amend C. S. H. B. No. 19, page 2, line 2 as follows: strike out "48,000 pounds" and insert in lieu thereof "40,000 pounds."

Senator Sulak offered the following substitute for the amendment:

Substitute for Lanning amendment: Amend H. B. No. 19 on page 2, line 2, as follows:

Strike out "48,000 pounds" and insert in lieu thereof "35,000 pounds."

Question—Shall the substitute be adopted?

Joint Session

(To Hear Message of the Governor)

At 12:00 o'clock m., the President announced that the hour heretofore fixed by concurrent action of the two Houses for a joint session to hear a message of the Governor had arrived, and he requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were admitted and escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speakers's stand.

The President announced the purpose of the joint session, and directed the Secretary to call the roll of the Senate.

The roll of the Senate was called, and a quorum was announced present.

The roll of the House was called, and a quorum of the House was announced present.

Hon. W. Lee O'Daniel was announced at the Hall of the House and was admitted and escorted to the Speaker's stand by Representatives Kersey, Goodman, Favors, McLellan, and Dickson of Bexar.

The Speaker presented Representative Kersey, who presented Governor O'Daniel to the joint session.

The Governor then delivered to the joint session the following message:

Austin, Texas,
March 13, 1941.

To the Members of the Forty-seventh Legislature:

Today I am addressing you on one of the most momentous problems which I believe has ever confronted our State.

There may be some important State problems on which our opinions are divided, but on this problem which I now mention I cannot believe that there can be any division of opinion. This problem is that of strikes and lockouts within our State during this grave national emergency.

I have been over this State a great deal lately and have seen and heard much, and duty demands that I speak frankly to you.

Yesterday I attended the dedicatory ceremonies of the great new Naval base at Corpus Christi, which, by the way, is the largest Naval base in the United States. I looked into the faces of those young officers and men and saw written thereon the grim determination to protect and preserve our American Way of Life, at any cost. Yes, even at the cost of their own lives.

As Commander-in-Chief of the Texas National Guard I have learned to know personally many of these splendid officers and men. They are the finest and cleanest of our true Texas boys. They have now stepped into the national service, and not one murmur of dissatisfaction or complaint have you heard from one of them. They have made the most colossal personal financial sacrifices and have said to their superior officers, "Here I am, my all, my life, if necessary, to protect and preserve our American Way of Life."

As each new day dawns, the cold, stark realization comes to more and more of us that the most horrible and devastating war of all ages is raging on the most of this earth's surface, and the main goal of the power-crazed aggressors is the overthrow of Democracy, including our American Way of Life. Particularly does this realization strike home when your boy or my boy answers to the call of his number, abandons his life's plans, packs his suitcases and bids goodbye to his mother, wife, sister, sweetheart, and others near and dear to him, and walks out into the darkness of a muddled world.

Into the sincere, patriotic faces of these fine young men have I looked. From their lips I have heard these words, "Governor O'Daniel, our training is being held up and retarded on account of strikes stopping production in national defense industries."

Now, ladies and gentlemen of this Forty-seventh Texas Legislature, are you going to sit idly by, with a cry like that ringing in your ears?

Texas cannot answer this pathetic cry of our brave boys for the other states in this Union, but this Forty-seventh Texas Legislature can answer that cry for Texas, and you can answer it today. This is one subject which needs no debate and on which there surely can be no opposition.

While our Texas boys, and boys from other states, are sacrificing their jobs, yes, sacrificing their whole future opportunities, and possibly their very lives, for the pittance of from twenty-one to thirty dollars per month, are you going to permit those whose lives are safe and who are making wages from five to ten times that amount, call strikes overnight and shut down essential industries in this State, and, by so doing, deprive these soldier boys of things they so desperately need? Where is the inherited blood of Sam Houston, Travis, Bonham, Crockett and other noble Texas patriots?

So far as I am concerned, I believe every employee in this state has a right to join any organization he chooses to join, and I think the same right should be accorded to every employer in the State, but I am unalterably opposed to resorting to force and violence in labor disputes.

While we are dealing with this question I think no one would contend that we should not go beyond

our national defense program, and in addition to protecting our national defense program, at least protect our own citizens from force and violence in exercising their right to work in all industries regardless of what organization they may be affiliated with or whether or not they are affiliated with any organization.

War supplies cannot be produced in factories which are closed down by strikes or lockouts. Dead war industries mean dead soldiers. I have no sympathy with strikes being called in essential industries where workmen in these industries are frequently making more money in one week than these soldier boys make in a whole month, and the lives of these industrial workers are safe, while our soldier boys' lives are in jeopardy. Especially are these strikes intolerable when the facts indicate that in some cases they have been promoted by the racketeering element who have sought to impose their leadership upon the conservative workmen in these essential industries.

Texas is indeed a great State, and resplendent in heroic deeds of the past. Our people are peaceful and fair and patriotic. While we are wearing only our swaddling clothes as an industrial state, yet the dawn is now breaking on a new industrial day for us. Within the past two years more than one hundred million dollars has been invested in new industries in Texas, not including those established on account of our national defense program. Around three hundred million dollars' worth of new national defense industries have recently been allotted to Texas. Naturally, on account of this great industrial expansion within our State, some labor agitators and racketeers have been attracted here from other places for the purpose of fomenting labor trouble. Now is the psychological time to head this off. So let us serve notice to the world that Texas is going to tolerate none of this imported racketeering, fifth column, radical violence-producing element, while this national defense program is under way.

I am wholly opposed to those academic "alibiers" who seek to show by scientific percentages that only a small percentage of our national defense factories are idle on account of strikes. I am reminded of the old saying that:

"For the want of a nail the shoe was lost,
For the want of a shoe the horse was lost,
For the want of a horse the rider was lost,
For the want of a rider the battle was lost."

I consider that we owe a duty to these noble mothers of Texas and other states whose sons are steadily advancing toward the front. I do not intend that they shall be short a gun or a drop of oil for that gun, or anything they need, be it large or small, and be it only one one-thousandth or less of our whole national defense production. If this is an all-out-aid defense program, let us quit quibbling about percentages, let us make it 100%, with no industries shut down which are directly or indirectly contributing to our national defense program.

There is so much racketeering and fifth-column activities and un-American activities now going on in Texas, that no doubt many of you will want to go much further in enacting legislation than I am hereby recommending. But let me caution you to be conservative. Let us be fair with both labor and capital. The bill I am attaching to this message seeks to stop force and violence in labor disputes in Texas. It provides for a cooling off period of sixty-days before strikes or lockouts can start. It provides for peaceful picketing so that labor organizations can let the public know that a strike exists, but peaceful picketing can be accomplished by two pickets at the entrance to the industry. More than two are superfluous, and more than two can easily lead to force and violence instead of peaceful picketing. It provides for free men to work when they can get a job, and without being forced to pay a fee to some racketeer, or without being forced to ask the consent of any other person, or without joining any organization. That is in accord with our American Way of Life.

May I urge you to please pass this conservative bill without adding any harsh, radical or unreasonable amendments, or controversial amendments. If any of you have additional legislation in mind, please bring it up in another bill after this bill has been passed.

Some folks may say that this job is for the Federal Government. Surely we must admit that the Federal Government has a most gigantic task on its hands and why should we fold our arms and wait for the Federal Government to do it all.

I want to announce to the whole wide world today that as Governor of this Great State of Texas there are not going to be any strikes or lockouts in the national defense industries or other essential industries in Texas during the time of this national emergency, without it proving to be very unprofitable for those who engage in such strikes or lockouts.

I am submitting this as emergency legislation and I ask for the concurrence of the Forty-seventh Texas Legislature by the quick enactment of the attached bill, today, if possible.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

At the conclusion of the address, the Senate retired to its Chamber.

In the Senate

The President called the Senate to order at 12:20 o'clock p. m.

House Concurrent Resolution 66

The President laid before the Senate for consideration at this time:

H. C. R. No. 66, Authorizing the House and/or Senate to adjourn from Thursday, March 13, 1941 to Monday, March 17, 1941.

The resolution was read and was adopted.

House Bills on First Reading

The following House bills previously received from the House, were laid before the Senate, read first time and referred to the committees indicated.

H. B. No. 8, to Committee on State Affairs.

H. B. No. 513, to Committee on Counties and County Boundaries.

H. B. No. 418, to Committee on Counties and County Boundaries.

H. B. No. 374, to Committee on Civil Jurisprudence.

H. B. No. 503, to Committee on Game and Fish.

H. B. No. 504, to Committee on Game and Fish.

Reference of House Concurrent Resolution

H. C. R. No. 59, received from the House today, was laid before the Senate and was read and referred to the Committee on State Affairs.

Conference Committee on Senate Bill 38

Senator Fain called S. B. No. 38 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Senator Fain moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Smith, Vick, Martin, Fain and Isbell.

Senate Bill on First Reading

The following bill was introduced, read first time and referred by the President to the committee indicated:

By Senators Smith, Weinert, Lovelady, Brownlee, Isbell, Van Zandt, Fain, Winfield, York and Martin:

S. B. No. 339, A bill to be entitled "An Act requiring employers and employees in industries essential to national defense, and certain businesses charged with a public duty, to file notice of any intended strike or lockout with certain county officials, fixing the time such notice shall be given and the nature thereof; declaring certain strikes and lockouts to be illegal; making unlawful the giving of aid and assistance to persons engaged in illegal strikes or lockouts, and fixing penalties therefor; making unlawful the using of more than two pickets at any entrance to place where labor difficulty exists, and fixing penalties for violation thereof; making unlawful the use of force and violence, or threats thereof to prevent any person from engaging in any lawful vocation, and providing penalties for violation thereof; making it unlawful for persons to assemble and attempt by force or

violence to prevent any person from engaging in any lawful vocation, and making unlawful the promoting, encouraging and aiding of such unlawful assemblages, and prescribing penalties for the violation thereof; making the provisions of this Act cumulative of existing laws, and providing a severance or saving clause; and declaring an emergency."

To Committee on State Affairs.

House Concurrent Resolution 57

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 57, Inviting Hon. Wendell L. Willkie to address a joint session of the Legislature.

The resolution was read, and by unanimous consent, it was considered at this time.

The resolution was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 154, A bill to be entitled "An Act amending Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, by adding thereto subsection (d), to allow the commissioners' court in all counties of more than one hundred two thousand and one (102,001) and less than one hundred ten thousand (110,000) population, according to the last preceding Federal Census, to fix the salary of the county treasurer at any sum not less than Fifty (\$50.00) Dollars per month; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act authorizing the issuing of bonds by the Commissioners' Court of Limestone County after same shall have been authorized by a majority vote of the qualified property tax paying voters of said county voting at an election called for the purpose, etc., for the purpose of funding the road and bridge indebtedness of the county, etc."

S. C. R. No. 26, Authorizing the Highway Department to lend a certain quantity of guard wire to the State Parks Board.

H. B. No. 208, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact; and declaring an emergency."

H. C. R. No. 41, A House concurrent resolution, Memorializing the Congress of the United States in reference to gasoline taxes.

H. C. R. No. 66, Granting permission to the House and/or Senate to adjourn from Thursday, March 13, 1941 to Monday, March 17, 1941.

Recess

Senator Hill moved that the Senate recess to 2:15 o'clock p. m. today.

Senator Van Zandt moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Van Zandt, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—3

| | |
|---------|-----------|
| Isbell | Van Zandt |
| Moffett | |

Nays—27

| | |
|-----------|----------|
| Aikin | Martin |
| Beck | Mauritz |
| Brownlee | Metcalfe |
| Chadick | Moore |
| Cotten | Ramsey |
| Fain | Shivers |
| Formby | Smith |
| Graves | Stone |
| Hazlewood | Sulak |
| Hill | Vick |
| Kelley | Weinert |
| Lanning | Winfield |
| Lemens | York |
| Lovelady | |

Absent—Excused

Spears

Question next recurring on the motion of Senator Hill, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—19

| | |
|----------|-----------|
| Aikin | Hazlewood |
| Brownlee | Hill |
| Formby | Kelley |
| Graves | Lanning |

| | |
|---------|----------|
| Martin | Sulak |
| Mauritz | Vick |
| Metcalf | Weinert |
| Ramsey | Winfield |
| Smith | York |
| Stone | |

Nays—11

| | |
|---------|-----------|
| Beck | Lovelady |
| Chadick | Moffett |
| Cotten | Moore |
| Fain | Shivers |
| Isbell | Van Zandt |
| Lemens | |

Absent—Excused

Spears

The Senate, accordingly, at 12:30 o'clock p. m., took recess to 2:15 o'clock p. m. today.

Afternoon Session

The Senate met at 2:15 o'clock p. m. and was called to order by the President.

Committee Substitute House Bill 19
on Passage to Third Reading

The Senate resumed consideration of pending business, same being C. S. H. B. No. 19, the motor truck load limit bill, on its passage to third reading, with amendment by Senator Lanning and substitute by Senator Sulak for the amendment pending.

Question—Shall the substitute be adopted?

Motion to Recess

Senator Moore moved that the Senate recess to 3:10 o'clock p. m. today.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—8

| | |
|-----------|-----------|
| Aikin | Moore |
| Fain | Shivers |
| Hazlewood | Sulak |
| Isbell | Van Zandt |

Nays—19

| | |
|----------|----------|
| Beck | Metcalf |
| Brownlee | Moffett |
| Chadick | Ramsey |
| Cotten | Smith |
| Formby | Stone |
| Kelley | Vick |
| Lanning | Weinert |
| Lovelady | Winfield |
| Martin | York |
| Mauritz | |

Absent

| | |
|--------|--------|
| Graves | Lemens |
| Hill | |

Absent—Excused

Spears

Question recurring on the substitute by Senator Sulak, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—13

| | |
|---------|-----------|
| Aikin | Moffett |
| Beck | Moore |
| Chadick | Shivers |
| Cotten | Stone |
| Fain | Sulak |
| Isbell | Van Zandt |
| Martin | |

Nays—16

| | |
|-----------|----------|
| Brownlee | Mauritz |
| Formby | Metcalf |
| Graves | Ramsey |
| Hazlewood | Smith |
| Hill | Vick |
| Kelley | Weinert |
| Lanning | Winfield |
| Lovelady | York |

Absent

Lemens

Absent—Excused

Spears

Senator Lanning moved the previous question on the amendment, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—13

| | |
|-----------|----------|
| Brownlee | Ramsey |
| Formby | Smith |
| Hazlewood | Vick |
| Kelley | Weinert |
| Lanning | Winfield |
| Mauritz | York |
| Metcalf | |

Nays—16

| | |
|---------|-----------|
| Aikin | Lovelady |
| Beck | Martin |
| Chadick | Moffett |
| Cotten | Moore |
| Fain | Shivers |
| Graves | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |

Absent

Lemens

Absent—Excused

Spears

Senator Van Zandt offered the following substitute for the amendment:

Amend C. S. H. B. No. 19 by striking out the figures "700" in line 59 page one, and substituting in lieu thereof "450" and by striking out the figures "700" in line one page two, and substituting in lieu thereof the figures "450" and by striking out the words and figures "forty-eight thousand (48,000)" in line two on page two, and substituting in lieu thereof the words and figures "thirty-six thousand (36,000)."

Yeas and nays were demanded, and the substitute was lost by the following vote:

Yeas—14

| | |
|---------|-----------|
| Aikin | Martin |
| Beck | Moffett |
| Chadick | Moore |
| Cotten | Shivers |
| Fain | Stone |
| Isbell | Sulak |
| Lemens | Van Zandt |

Nays—16

| | |
|-----------|----------|
| Brownlee | Mauritz |
| Formby | Metcalf |
| Graves | Ramsey |
| Hazlewood | Smith |
| Hill | Vick |
| Kelley | Weinert |
| Lanning | Winfield |
| Lovelady | York |

Absent—Excused

Spears

Senator Lanning moved the previous question on the amendment, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—15

| | |
|-----------|----------|
| Brownlee | Moffett |
| Formby | Ramsey |
| Graves | Smith |
| Hazlewood | Vick |
| Kelley | Weinert |
| Lanning | Winfield |
| Mauritz | York |
| Metcalf | |

Nays—15

| | |
|---------|-----------|
| Aikin | Lovelady |
| Beck | Martin |
| Chadick | Moore |
| Cotten | Shivers |
| Fain | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |
| Lemens | |

Absent—Excused

Spears

Senator Van Zandt offered the following substitute for the amendment:

Amend C. S. H. B. No. 19 by striking out the figures "700" in line 59 page one, and substituting in lieu thereof "475" and by striking out the figures "700" in line one page two, and substituting in lieu thereof the figures "475" and by striking out the words and figures "forty-eight thousand (48,000)," in line two on page two and substituting in lieu thereof the words and figures, "thirty-eight thousand (38,000)."

Senator Hill moved the previous question on the substitute, and the motion was not seconded.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—16

| | |
|---------|-----------|
| Aikin | Lemens |
| Beck | Lovelady |
| Chadick | Martin |
| Cotten | Moffett |
| Fain | Moore |
| Graves | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |

Nays—14

| | |
|-----------|----------|
| Brownlee | Ramsey |
| Formby | Shivers |
| Hazlewood | Smith |
| Kelley | Vick |
| Lanning | Weinert |
| Mauritz | Winfield |
| Metcalf | York |

Absent—Excused

Spears

Question next recurring on the amendment as substituted, it was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend the bill by striking out all after the enacting clause and inserting the following:

"Section 1. Except as otherwise provided by law, no commercial motor vehicle, truck-tractor, trailer or semi-trailer, nor combination of such vehicles shall be operated over, on, or upon the public highways outside the limits of an incorporated city or town, the total gross weight of which exceeds that given by the following formula:

W equals C time (L plus 40), where

W equals total gross weight; including load and vehicle in pounds;

C equals 475

L equals the distance between the first and last axles of a vehicle or combination of vehicles, in fact,

Under the foregoing formula, the gross weight is ascertained by adding forty (40) to the distance in feet between the first and last axles of a vehicle or combination of vehicles and multiplying this sum by four hundred seventy-five (475).

Provided, however, the gross weight permitted by the foregoing formula shall be subject to the following restrictions and limitations:

Provided, however, the gross weight of vehicle and load shall never exceed thirty-eight thousand (38,000) pounds.

No such vehicle nor combination of vehicles shall have a greater weight than six hundred (600) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and no wheel shall carry a load in excess of eight thousand (8,000) pounds, nor any axle a load in excess of sixteen thousand (16,000) pounds. An axle load shall be defined as the total load on all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart.

Section 2. That Section 7 of Chapter 282, Acts, Regular Session, Forty-second Legislature, amending Section 5 of Chapter 42, General Laws of Texas, Forty-first Legislature, Second Called Session, by the addition of Section 3 (b) thereto, be and the same is hereby repealed.

Section 3. That Section 5(b), Chapter 282, of the General Laws of the State of Texas, passed by the Forty-

second Legislature, Regular Session, is hereby repealed.

Section 4. Any license and weight inspector of the Department of Public Safety, any highway patrolman, sheriff, or their duly authorized deputies, having reason to believe that the gross weight of any vehicle and the load thereon, is unlawful, is authorized to weigh the same either by means of portable or stationary scales furnished or established by the Department of Public Safety, or cause the same to be weighed by any public weigher, and is authorized to require that such vehicle be driven to the nearest available scales, whether it be those furnished by the Department of Public Safety, or those of a public weigher, in the direction of destination, for weighing of said vehicle and said load, and in the event the gross weight of any such vehicle and the load thereon, be found to be unlawful or improper, then before such vehicle is operated further upon the public highways outside of the limits of an incorporated city or town, such license and weight inspector, highway patrolman, or sheriff, or their authorized deputies, shall demand and require the operator or owner thereof immediately to unload such portion of the load as may be necessary to decrease the gross weight of such loaded vehicle to the maximum limitation specified by law.

Section 5.

(a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

(b) Any person, corporation, receiver or association, or the servants, agents or employees of such person, corporation, receiver or association, who violates any provision of this Act; shall, upon conviction, be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars for the first offense; for a second conviction such person, corporation, receiver or association, or the servants, agents, or employees of such person, corporation, receiver or association, shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment; upon a third or subse-

quent conviction, such person, corporation, receiver or association, or the servants, agents, or employees of such person, corporation, receiver or association, shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment.

Upon the second conviction for a violation of any provision of this Act the license registration on the vehicle of the person, corporation, receivers or associations, which of whose officers, servants, agents or employees have violated any provision of this Act for the second time, shall be cancelled and the license registration plates on such vehicles shall be removed from said vehicles by any license and weight inspector of the Department of Public Safety, any highway patrolman, sheriff, or their duly authorized deputies. When such plates are removed by any such officer he shall deliver them to the county tax collector of the county in which said plates are removed, whereupon the county tax collector shall issue a receipt therefor and immediately forward the plates which have been removed to the Highway Department for cancellation, and the owners of said vehicles shall be required before such vehicles are operated further upon the public highways of this State to purchase new license for the unexpired portion of the year, just as though no registration of said vehicles had been made for the unexpired portion of the year, and shall pay therefor the full registration fees fixed by the laws of this State for the registering such vehicles for such period of time. If said person, association, receiver or corporation is operating upon authority of a certificate or permit issued by the Railroad Commission of Texas, upon a third conviction such certificate or permit under which said person, corporation, receiver or association operates shall automatically be cancelled by the Railroad Commission of Texas and shall not thereafter be reissued or revived. It is hereby made the duty of the Department of Public Safety to furnish the Railroad Commission of Texas each month an itemized statement of all arrests and convictions for violations of this Act, and if and when it appears there-

from that any person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association, has been convicted a third time for violation of this Act, it is the mandatory duty of the Commission to cancel such certificate or permit and notify the owner thereof.

Any person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association, may be prosecuted for violating any provision of this Act at any time and at any place, in the county in which such offense is committed and the prosecution and conviction of any such person, corporation, receiver or association or the officers, servants, agents or employees of such person, corporation, receiver or association at any time or place in any county, shall not prevent the subsequent prosecution and conviction at any time or place of any such person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association, for violating the provisions of this Act, even though such subsequent prosecution be in connection with a movement which is part of the trip on which the first violation and prosecution and conviction occurred.

If any corporation, its officers, servants, agents, or employees shall violate any provision of this Act, in addition to the prosecution of such officers, servants, agents or employees of such corporation individually by the proper officers of this State, it shall be the duty of the Attorney General or any district or county attorney immediately to file suit in Travis County or any court of competent jurisdiction in any other county against such corporation to collect the penalties provided for in this Section.

Section 6. Upon the violation of any provision of this Act, any District Court of Travis County, or any district court of any county where such violation occurs, shall have the power to restrain and enjoin the person, firm or corporation, receiver or association so offending from further violating the provisions of this Act. Such injunctive relief may be granted upon the application of the Department of Public Safety, the Attorney General, and district or county attorney, or any interested party. No bond

shall be required when such injunctive relief is sought upon the application of the Department of Public Safety, Attorney General or any district or county attorney. Such relief may be granted in suits for penalties as provided in Section 5 of this Act, but a suit for penalty shall not be a condition precedent to the injunctive relief provided by this Section.

Section 7. If any Section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and such Section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more of the Sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 8. All laws and parts of laws in conflict herewith are hereby repealed.

Section. 9. The importance of this measure for the benefit of farmers, ranchmen, merchants, industries of this State, and the public generally, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rules relating to the reading of bills on three several days in each House and also the suspension of the constitutional rule which provides that laws shall not become effective until the expiration of ninety (90) days after the adjournment of the Session, and such rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Lanning moved to table the amendment.

Senator Moore offered the following amendment to the amendment:

Amend the amendment by striking out in subdivision (b) of Section 5, beginning with the words "If said person, association, receiver or corporation is operating" down through the words "and notify the owner thereof."

The amendment to the amendment was adopted, and the motion to table the original amendment became moot.

(President Pro Tempore in the Chair.)

Senator Smith moved to table the amendment as amended.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18

| | |
|-----------|----------|
| Aikin | Mauritz |
| Brownlee | Metcalfe |
| Formby | Moffett |
| Graves | Ramsey |
| Hazlewood | Smith |
| Kelley | Vick |
| Lanning | Weinert |
| Lovelady | Winfield |
| Martin | York |

Nays—12

| | |
|---------|-----------|
| Beck | Lemens |
| Chadick | Moore |
| Cotten | Shivers |
| Fain | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |

Absent—Excused

Spears

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 19 by adding a new Section to be properly numbered and to read as follows:

"Any license and weight inspector of the Department of Public Safety, any highway patrolman, sheriff, or their duly authorized deputies, having reason to believe that the gross weight of any vehicle and the load thereon, is unlawful, is authorized to weigh the same either by means of portable or stationary scales furnished or established by the Department of Public Safety, or cause the same to be weighed by any public weigher, and is authorized to require that such vehicle be driven to the nearest available scales, whether it be those furnished by the Department of Public Safety, or those of a public weigher, in the direction of destination, for weighing of said vehicle and said load, and in the event the gross weight of any such vehicle and the load thereon, be found to be unlawful or improper, then before such vehicle is operated further upon the public highways outside of the limits of an incorporated city or town, such license and weight inspector, highway patrolman, or sheriff, or their authorized deputies, shall demand and

require the operator or owner thereof immediately to unload such portion of the load as may be necessary to decrease the gross weight of such loaded vehicle to the maximum limitation specified by law.

(a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

(b) Any person, corporation, receiver or association, or the servants, agents or employees of such person, corporation, receiver or association, who violates any provision of this Act, shall, upon conviction, be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, for the first offense; for a second conviction such person, corporation, receiver or association, or the servants, agents, or employees of such person, corporation, receiver or association, shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment; upon a third or subsequent conviction, such person, corporation, receiver or association, or the servants, agents, or employees of such person, corporation, receiver or association, shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment.

Any person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association, may be prosecuted for violating any provision of this Act in the county in which such offense is committed and the prosecution and conviction of any such person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association in any county, shall not prevent the subsequent prosecution and conviction in any other county through which any such person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association, may have violated the provisions of this Act, even though such

subsequent prosecution be in connection with a movement which is part of the trip on which the first violation and prosecution and conviction occurred.

If any corporation, its officers, servants, agents or employees shall violate any provision of this Act, in addition to the prosecution of such officers, servants, agents or employees of such corporation individually by the proper officers of this State, it shall be the duty of the Attorney General or any district or county attorney immediately to file suit in any court of competent jurisdiction in any other county against such corporation to collect the penalties provided for in this Section.

Upon the violation of any provision of this Act, any District Court of Travis County, or any district court of any county where such violation occurs, shall have the power to restrain and enjoin the person, firm or corporation, receiver or association so offending from further violating the provisions of this Act. Such injunctive relief may be granted upon the application of the Department of Public Safety, the Attorney General, and the district or county attorney, or any interested party. No bond shall be required when such injunctive relief is sought upon the application of the Department of Public Safety, Attorney General or any district or county attorney. Such relief may be granted in suits for penalties as provided in Section 5 of this Act, but a suit for penalty shall not be a condition precedent to the injunctive relief provided by this Section."

Amend the remaining Sections of the bill to conform.

HAZLEWOOD,
LOVELADY.

Senator Aikin offered the following amendment to the amendment:

Amend Hazlewood amendment by striking out the following words: "any District Court of Travis County or."

The amendment to the amendment was adopted.

The amendment as amended then was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend C. S. H. B. No. 19, by inserting a new paragraph properly numbered as follows:

"No common carrier, contract carrier or special commodity carrier, motor

carrier, shall permit or allow any driver or operator of any commercial motor vehicle, owned, leased, rented or under the control of such carrier, to drive or operate any such vehicle in excess of eight hours in any twenty-four hour period."

HAZLEWOOD,
LOVELADY.

The amendment was adopted.

Senator Lovelady offered the following amendment to the bill:

Amend C. S. H. B. No. 19, by inserting a new paragraph, properly numbered as follows:

"No commercial motor vehicle operating upon any public highway or road in the State shall have a tank for the use and/or storage of motor fuel for such vehicle in excess of forty (40) gallons capacity."

HAZLEWOOD,
LOVELADY.

The amendment was adopted.

Record of Vote

Senator Vick asked to be recorded as voting "nay" on the amendment.

Senator Fain offered the following amendment to the bill:

Amend C. S. H. B. No. 19, by adding thereto a new Section to be known as Section 7-a which shall read as follows:

"Sec. 7-a. Providing that the enactment of this Act will in no way repeal or affect the provisions of H. B. No. 690, Chapter 349, page 832 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend C. S. H. B. No. 19 by adding a new Section thereto to be properly numbered and to read as follows:

"If any Section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and such Section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more of the Sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amend the other Sections of the bill to conform.

The amendment was adopted.

Senator Martin moved to reconsider the amendment by Senators Lovelady and Hazlewood relating to the maximum capacity of gasoline tanks allowed on commercial motor vehicles was adopted.

The motion to reconsider prevailed.

The authors of the amendment then withdrew it.

On motion of Senator Lanning and by unanimous consent, the word "eight" in the amendment by Senators Lovelady and Hazlewood, relating to the number of hours a driver of a commercial motor vehicle may remain on duty in any 24-hour period, was changed to "ten."

Senator Brownlee offered the following amendment:

Amend the caption to conform to the body of the bill as amended.

The amendment was adopted.

The bill as amended then was passed to third reading.

Committee Substitute House Bill 19 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|-----------|-----------|
| Beck | Metcalf |
| Brownlee | Moffett |
| Chadick | Moore |
| Fain | Ramsey |
| Formby | Shivers |
| Graves | Smith |
| Hazlewood | Stone |
| Hill | Sulak |
| Kelley | Van Zandt |
| Lanning | Vick |
| Lovelady | Weinert |
| Martin | Winfield |
| Mauritz | York |

Nays—4

| | |
|--------|--------|
| Aikin | Isbell |
| Cotten | Lemens |

Absent—Excused

Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

| | |
|-----------|----------|
| Aikin | Martin |
| Beck | Mauritz |
| Brownlee | Metcalf |
| Chadick | Moffett |
| Fain | Ramsey |
| Formby | Smith |
| Graves | Stone |
| Hazlewood | Sulak |
| Hill | Vick |
| Kelley | Weinert |
| Lanning | Winfield |
| Lemens | York |
| Lovelady | |

Nays—5

| | |
|--------|-----------|
| Cotten | Shivers |
| Isbell | Van Zandt |
| Moore | |

Absent—Excused

Spears

Message from the House

Mr. Worth Ware, a Clerk of the House, was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. B. No. 648, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred Thousand (\$200,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

H. C. R. No. 51, Authorizing the Federal Life Insurance Company to sue the State of Texas.

H. C. R. No. 60, Authorizing State Highway Department to loan guard rails to City of Wortham.

H. C. R. No. 61, Authorizing State Highway Department to loan discarded guard rails to City of Teague.

H. C. R. No. 62, Authorizing State Highway Department of Texas to loan guard rails to City of Fairfield.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bills and Joint Resolution on First Reading

By unanimous consent, the following bills and joint resolution were introduced at this time, read severally first time and referred by the President Pro Tempore to the committees indicated:

By Senator Sulak (by request):

S. B. No. 340, A bill to be entitled "An Act to regulate the practice of chiropractic in Texas; to create an examining board and provide for appointment and maintenance thereof; to provide for an executive secretary, and the creation and control of a chiropractic examination and registration fund; to provide for examinations, and fixing requirements and fees therefor; to provide for licensing chiropractors; to provide for recording of license, and registration of chiropractors, and fixing fees therefor; to fix standards for chiropractic colleges; to define the practice of chiropractic; to fix penalties; to enact repealing and saving clauses; and declaring an emergency."

To Committee on Public Health.

By Senator Hill:

S. B. No. 341, A bill to be entitled "An Act providing for attorney's fees in actions brought under Article 5073; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Martin (by request):

S. B. No. 342, A bill to be entitled "An Act amending Article 2827 of the Revised Civil Statutes of 1925 (as amended by Acts 1934, Forty-third Legislature, Fourth Called Session, page 34, Chapter 9) by adding thereto subdivision 4 authorizing independent school districts of the class defined in this Act to use and expend local school funds in paying part of the premiums on group life insurance policies insuring teachers and other

employees of such school districts; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

To Committee on Education.

By Senator Beck:

S. B. No. 343, A bill to be entitled "An Act authorizing and empowering the commissioners' court to fix the compensation of the sheriff, tax collector-assessor, county clerk, county judge, district clerk, and county attorney in all counties in this State having a population of not less than thirty thousand (30,000) and not more than sixty thousand (60,000), according to the last preceding Federal Census; fixing maximum and minimum salaries for such officers; fixing the mode and manner of the payment of such salaries; fixing the effective date of this Act; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only."

To Committee on Counties and County Boundaries.

By Senator Ramsey:

S. B. No. 344, A bill to be entitled "An Act authorizing the commissioners' court of any county to establish within the boundaries of such county an airport district, and to levy and collect a special tax for airport purposes on property situated within such district, such tax not to exceed for any one year the sum of five (5c) cents on each One Hundred (\$100.00) Dollars of the value of such property; and declaring an emergency."

To Committee on State Affairs.

By Senator Spears (by request):

S. B. No. 345, A bill to be entitled "An Act to provide for fees for constables whose precincts lie in counties having a population of more than three hundred twenty-five thousand (325,000) and less than three hundred ninety thousand (390,000) by the last preceding Federal Census, and whose precincts lie in whole or in part in an incorporated city or town containing territorial limits of twenty-five (25) square miles or more, such fee to be the same as those now allowed to sheriffs, and providing for the payment thereof by the county on all criminal cases where the de-

fendant is convicted or pleads guilty, and such defendant fails to pay his fine and lays his fine out in the county jail or discharges the same by means of working such fine out on the county roads or on any county project, and repealing Article 1055 of the Code of Criminal Procedure insofar as it applies to constables of justice precincts in counties having a population of more than three hundred twenty-five thousand (325,000) and less than three hundred ninety thousand (390,000) by the last preceding Federal Census and whose precincts lie in whole or in part in an incorporated city or town containing territorial limits of twenty-five (25) square miles or more; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Spears (by request):

S. B. No. 346, A bill to be entitled "An Act authorizing commissioners' courts in counties of Texas, having a population of not less than three hundred twenty-five thousand (325,000) inhabitants and not more than three hundred fifty thousand (350,000) inhabitants, as shown by the Federal Census of 1940, or any succeeding Federal Census, to levy a direct tax of not more than twenty-five (25c) cents on the valuation of One Hundred (\$100.00) Dollars on all property in said counties, for the purpose of erecting buildings and other improvements, and for equipping, maintaining and operating hospitals in such counties, and for the purpose of establishing, maintaining and operating, with or without the cooperation of the Government of the United States of America, or agencies of such government, shelters, storerooms and workrooms, and for supplying paraphernalia, material and utilities for the unemployed, indigent and destitute; providing for the direct relief of paupers; providing that a proposition authorizing the levy of such a tax be submitted to the qualified tax paying voters of such county for approval by a majority of such voters at any regular or special election; providing a saving clause; repealing all other Acts, laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Spears (by request):

S. B. No. 347, A bill to be entitled "An Act to amend Section 18 of Chapter 137 of the Special Laws of the Regular Session of the Forty-second Legislature known as the Bexar County Road and Bridge Law, as amended by Chapter 44 of the Special Laws of the Regular Session of the Forty-third Legislature, providing manner of expending and appropriating monies now on hand and coming into the Road and Bridge Fund of Bexar County, Texas; repealing all laws and parts of laws in conflict; providing an effective date of this Act; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Fain:

S. J. R. No. 11, Proposing an amendment to Article III, Section 51b, Section 51c, Section 51d of the Constitution of Texas, providing that the Legislature shall have the power to provide under such limitations and restrictions as may be deemed by the Legislature expedient for old age assistance and for payment of same to actual bona fide citizens of the United States over the age of sixty-five (65) years who are not inmates of any State supported institution, and providing that the requirements for the length of time of actual residence in Texas shall never be less than one year continuously immediately preceding such application, and providing a burial fund for indigent deceased recipients of old age assistance, the payment to any one individual not to exceed the sum of Seventy-Five (\$75.00) Dollars, and providing that the Legislature shall have the authority to accept from the Government of the United States such financial aid for old age assistance and the burial of indigent deceased recipients of old age assistance, providing that the Legislature shall have power by general laws to provide such limitations, regulations and restrictions as may be deemed expedient by the Legislature for assistance of needy blind persons over the age of eighteen (18) years and for the payment of same providing that such blind assistance, or aid, to be granted only to actual bona fide citizens of the United States, provided further that the requirements for the length of actual residence in Texas shall

never be less than one year immediately preceding the application for assistance to the needy blind over the age of eighteen (18) years, providing that the Legislature shall have the authority to accept from the Government of the United States such financial aid for assistance to needy blind that that Government may offer not inconsistent with the limitations and provisions of the Texas Constitution, providing that the Legislature shall have the power to provide for assistance to needy dependent children not over the age of eighteen (18) years and that the Legislature may impose residential restrictions, limitations and regulations as it may deem expedient, providing that Legislature shall have the authority to accept from the Government of the United States such financial assistance to destitute children that that Government may offer not inconsistent with the limitations and provisions of the Texas Constitution.

To Committee on Constitutional Amendments.

House Bill on First Reading

H. B. No. 648, previously received from the House, was laid before the Senate, read first time and referred to the Committee on Finance.

Report of Standing Committee on House Bill 648

Senator Aikin, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 648, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred Thousand (\$200,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Bill 648 on Second Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 648 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Beck | Mauritz |
| Brownlee | Metcalfe |
| Chadick | Moffett |
| Cotten | Moore |
| Fain | Ramsey |
| Formby | Shivers |
| Graves | Smith |
| Hazlewood | Stone |
| Hill | Sulak |
| Isbell | Van Zandt |
| Kelley | Vick |
| Lanning | Weinert |
| Lemens | Winfield |
| Lovelady | York |

Absent—Excused

Spears

The President Pro Tempore then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 648 on Third Reading

The President Pro Tempore then laid H. B. No. 648 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|-----------|----------|
| Aikin | Kelley |
| Beck | Lanning |
| Brownlee | Lemens |
| Chadick | Lovelady |
| Cotten | Martin |
| Fain | Mauritz |
| Formby | Metcalfe |
| Graves | Moffett |
| Hazlewood | Moore |
| Hill | Ramsey |
| Isbell | Shivers |

Smith
Stone
Sulak
Van Zandt

Vick
Weinert
Winfield
York

Absent—Excused

Spears

Report of Standing Committee

Senator Lemens by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 14, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 73, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, as enacted by Acts of the Second Called Session of the Thirty-eighth Legislature in 1923, as amended by Acts of 1935, Forty-fourth Legislature, First Called Session, Chapter 424, as amended by the Acts of 1937, Forty-fifth Legislature, Chapter 60; providing that any person who drives or operates an automobile or other motor vehicle upon any public road or highway, or upon any street or alley within the limits of an incorporated city, town, or village, while such person is intoxicated or under the influence of intoxicating liquors, shall be guilty of a misdemeanor; reducing the maximum penalty provided in said Article from a penitentiary offense to a fine or jail sentence, and increasing the minimum penalty thereof; and adding a new Article to be known as Article 802b, providing that if such person while operating or driving an automobile or other motor vehicle while in an intoxicated condition shall cause the death of another person, he shall be guilty of a felony and upon conviction be confined in the penitentiary for a period of not less than one (1) nor more than five (5) years; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments numbers 1 and 2 and that it be printed.

LEMENS, Chairman.

**Time Limit for Introduction of Bills
Extended**

Senator Martin moved that the constitutional rule and Senate rule relative to time limit for introduction of bills be suspended to permit bills to be introduced in the Senate without any further suspension of said rules through Monday, March 17, 1941.

The motion prevailed by the following vote:

Yeas—30

| | |
|----------|-----------|
| Aikin | Formby |
| Beck | Graves |
| Brownlee | Hazlewood |
| Chadick | Hill |
| Cotten | Isbell |
| Fain | Kelley |

| | |
|----------|-----------|
| Lanning | Shivers |
| Lemens | Smith |
| Lovelady | Stone |
| Martin | Sulak |
| Mauritz | Van Zandt |
| Metcalf | Vick |
| Moffett | Weinert |
| Moore | Winfield |
| Ramsey | York |

Absent—Excused

Spears

Adjournment

On motion of Senator Lovelady, the Senate, at 5:10 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, March 17, 1941.

In Memory of

Hon. Raglin Jones

The President laid before the Senate the following resolution, received from the House today:

House Concurrent Resolution 63

Whereas, On the seventh day of March, 1941, our Almighty Maker in His superior judgment, which we mortals can little understand, called from our earthly ranks the great and good soul of the Honorable Raglin Jones, former Member of the House of Representatives. He answered that call as gallantly and preparedly as he has always answered every other call in every day life. He had to answer this call with his life by means of an automobile accident at the age of forty years, at which time he was residing in Austin; and

Whereas, The Honorable Raglin Jones had served his State in many valuable ways, giving much of his life to that of public service. His ability and energy made him one of the most outstanding leaders in public welfare. He taught school for a number of years and served most capably as a Member of the Forty-fourth and Forty-fifth Legislatures from the 96th Floterial District. He generously contributed his time and talent to humanitarian interest and the welfare of his State and fellow citizens. He received a large part of his education at the University of Texas, and, at the time of his death, was employed by the State Health Department. By his innumerable good deeds, he shall enjoy the immortality that is imperishable, and his contributions and good deeds to his State and country shall keep his memory aglow, meriting him the highest honor and ovation this State can pay; and

Whereas, Members of the Forty-seventh Legislature and the State of Texas bow their heads in a spirit of respect for the great loss of the Honorable Raglin Jones; and, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That we acknowledge the loss of his inspiring presence and splendid record as a leader, and that a copy of this resolution be spread on the memorial pages of the Senate and the House Journals of the day, letting this serve as an acknowledgment of the debt Texas owes, and the tribute that Texas pays to a true son of the people; and be it further

Resolved, That the Secretary of the Senate and Chief Clerk of the House of Representatives, send the family of the deceased a copy of this resolution under their respective seals; and when the Senate and House of Representatives adjourn today that they do so in solemn tribute to a man whose name shall live long in the consciousness of his State, and in the affection of his friends and sorrowing family.

The resolution was read and was adopted unanimously.